

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA**

**UNITED STATES OF AMERICA**

v.

**POST TRIAL MOTIONS AND  
SENTENCING MINUTES**

**MOHAMAD JAMAL KHWEIS**

Case No. 1:16CR143

HONORABLE LIAM O'GRADY presiding  
Proceeding Held: October 27, 2017  
Deputy Clerk: Amanda

Time Called: 11:28  
Time Concluded: 1:34 p.m.  
Court Reporter: N. Linnell

**Appearances:**

UNITED STATES OF AMERICA by:  
MOHAMAD KHWEIS in person and by:  
INTERPRETER: None

Dennis Fitzpatrick, Raj Parekh  
John Zwerling, Jessica Carmichael  
☐ Interpreter Sworn

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- |   |   |
|---|---|
| <input type="checkbox"/> The parties have no objections to the factual statements in the PSR  | <input type="checkbox"/> The parties have no objections to the application of the guidelines in the PSR   |
| <input checked="" type="checkbox"/> Objections/corrections to factual statements in PSR by <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant | <input checked="" type="checkbox"/> Objections/corrections to application of guidelines by <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant |
- 

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> The government presents sentencing argument: Recommends 420 months (35 years) | <input checked="" type="checkbox"/> The defendant presents sentencing argument: Requests 5 years with credit for time served in Iraq |
| <input type="checkbox"/> Defendant exercises right of allocution.   | <input checked="" type="checkbox"/> The court imposes sentence.  |
| <input type="checkbox"/> The government dismisses count(s) _____.   | <input checked="" type="checkbox"/> Defendant advised of appeal rights.  |
- 

**SENTENCING GUIDELINES:**

Offense Level: 42  
Criminal History: 6  
Imprisonment Range: Cts. 1&2: 360 months – Life; Ct. 3: 60 months to life, consecutive  
Supervised Release Range: Cts. 1&2: 2 years to Life; Ct. 3: 2-5 years  
Fine Range: Cts. 1&2: \$50,000.00 - \$250,000.00  
Restitution: N/A  
SA: 300.00

11:29 a.m. – Ms. Carmichael argues [204] and [220] motions for new trial.  
11:33 a.m. – Mr. Parekh responds and presents argument opposing motion for new trial.  
11:41 a.m. – Mr. Zwerling replies.  
- Court denies the Rule 33 motion for new trial.  
11:53 a.m. – Ms. Carmichael argues the Rule 29 motion.

12:03 p.m. – Mr. Parekh responds and presents argument opposing Rule 29 motion.

12:18 p.m. – Ms. Carmichael replies.

- Court finds that Count 3 is supported by the evidence and denies the Rule 29 motion.

- Order to follow.

12:25 p.m. – Ms. Carmichael argues against terrorism enhancement 3A1.4 and other enhancements (2M5.3).

12:28 p.m. – Mr. Fitzpatrick responds and argues for enhancement 2M5.3. Also ask to impose obstruction

- Court finds intent for 3A1.4 and is appropriate and so is 2M5.3.

- There is significant evidence of obstruction.

- Mr. Fitzpatrick asks Court to disregard doctor's report.

- Mr. Zwerling presents sentencing argument.

**SENTENCE IMPOSED:**

<b>Imprisonment:</b>	<u>180</u>	Months as to Count(s)	<u>One</u>	of the Indictment.
	<u>180</u>	Months as to Count(s)	<u>Two</u>	of the Indictment.
	<u>60</u>	Months as to Count	<u>Three</u>	Of the Indictment

Imprisonment term for each count to be served ☒ concurrently ☒ consecutively.

TOTAL TERM OF IMPRISONMENT IMPOSED: 240 months with credit for time served since arrest by the Peshmerga on March 16, 2016.

**Probation:** \_\_\_\_\_ Years as to Count(s) \_\_\_\_\_ of the \_\_\_\_.

<b>Supervised Release:</b>	<u>10</u>	Years as to Count(s)	<u>1,2</u>	of the Indictment.
	<u>4</u>	Years as to Count(s)	<u>3</u>	of the Indictment.

**MONETARY PENALTIES**

**Special Assessment:** \$ 300.00 due immediately

**Fine:** \$ \_\_\_\_\_ ☒ fine waived

**Restitution:** \$ \_\_\_\_\_ ☐ determination deferred

**JOINT AND SEVERAL PAYMENTS**

- ☐ Fine and/or ☐ Restitution is **joint and several** with \_\_\_\_.
- ☐ Repayment of Buy Money is **joint and several** with \_\_\_\_.

**FORFEITURE**

- ☒ All property forfeited upon conviction or by order of the court shall be included in the criminal judgment.

**RECOMMENDATIONS**

- ☒ The court recommends the defendant's placement at FCI Cumberland
- ☒ The court recommends the defendant's participation in the Bureau of Prisons' 500-hour drug treatment program.
- ☐ Other: \_\_\_\_\_.

**CUSTODY**

- ☒ The defendant is remanded to the custody of the U.S. Marshal Service.
- ☐ The defendant is to voluntarily surrender at the institution designated by the Bureau of Prisons as notified by the U.S. Probation Office; ☐ on or after \_\_\_\_\_.

## CONDITIONS OF SUPERVISED RELEASE/PROBATION

### Special Conditions

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Drug Testing – Special Condition    | <input type="checkbox"/> Home Confinement for _____ days   |
| <input type="checkbox"/> Drug Testing – Standard Condition              | <input type="checkbox"/> Home Confinement with Alcohol Testing for _____ days                      |
| <input type="checkbox"/> Drug Testing – Waived                          | <input type="checkbox"/> Community Correctional Center: _____ days                                 |
| <input type="checkbox"/> Monthly Restitution Payment: \$ _____          | <input type="checkbox"/> Residential Re-Entry Center: _____ days                                   |
| <input type="checkbox"/> Monthly Fine Payment: \$ _____                 | <input type="checkbox"/> Cooperate with Bureau of Immigration/Customs                              |
| <input type="checkbox"/> Repay Buy Money – Total: \$ _____.             | <input type="checkbox"/> Cooperate with IRS  |
| <input type="checkbox"/> Repay Buy Money: \$ _____/month                | <input type="checkbox"/> Cooperate with Child Support  |
| <input type="checkbox"/> No New Lines of Credit                         | <input checked="" type="checkbox"/> Participate in mental health treatment program                 |
| <input checked="" type="checkbox"/> Financial Disclosure                | <input type="checkbox"/> Participate in sex offender assessment/treatment                          |
| <input type="checkbox"/> Submit to search by USPO                       | <input checked="" type="checkbox"/> Waive confidentiality  |
| <input type="checkbox"/> No tavern employment or patronization          | <input type="checkbox"/> No sexually-explicit materials w/minors                                   |
| <input type="checkbox"/> No employment with fiduciary responsibilities  | <input type="checkbox"/> No possession/viewing of pornography or erotica                           |
| <input type="checkbox"/> No gambling                                    | <input type="checkbox"/> Obtain GED or HSED  |
| <input type="checkbox"/> No transfer of assets in excess of \$500.00    | <input type="checkbox"/> No contact – unrelated children under 18                                  |
| <input type="checkbox"/> No possession/use of computer – on-line access | <input type="checkbox"/> No contact with victim(s)   |
| <input type="checkbox"/> No possession/use of data encryption/erasure   | <input checked="" type="checkbox"/> No contact with individuals involved with terrorist activities |
| <input type="checkbox"/> Provide computer passwords and logons          | <input checked="" type="checkbox"/> Maintain full-time employment                                  |
| <input checked="" type="checkbox"/> Consent to computer searches        | <input type="checkbox"/>   |
| <input checked="" type="checkbox"/> No computer use w/o permission      |  |